



MINUTES

SENATE JUDICIARY, LAW ENFORCEMENT, AND CRIMINAL JUSTICE STANDING COMMITTEE

LEGISLATURE

Thursday, February 23, 2023 | 8:00 a.m. | 210 Senate Building

Members Present:

Sen. Todd D. Weiler, Chair
Sen. Kirk A. Cullimore
Sen. Luz Escamilla
Sen. Michael S. Kennedy

Sen. Jerry W. Stevenson
Sen. Daniel W. Thatcher

Staff Present:

Sarah Flanigan, Policy Analyst
Nancy Skidmore, Committee Secretary

Note: A copy of related materials and an audio recording of the meeting can be found at www.le.utah.gov.

Acting Chair Kennedy called the meeting to order at 8:04 a.m.

MOTION: Sen. Weiler moved to approve the minutes of the February 21, 2023, meeting. The motion passed with a vote of 2 - 0 - 4.

Yeas - 2

Sen. M. Kennedy
Sen. T. Weiler

Nays - 0

Absent - 4

Sen. K. Cullimore
Sen. L. Escamilla
Sen. J. Stevenson
Sen. D. Thatcher

1. 1st Sub. H.B. 60 Juvenile Justice Modifications (Acton, C.K.)

Rep. Acton presented the bill.

Pamela Vickrey, Executive Director, Utah Juvenile Defender Attorneys, spoke in favor of the bill.

Martin Munoz, Kids Count Director, Voices for Utah Children, spoke in favor of the children.

Daniel Strong, Director, Sentencing Commission, spoke in favor of the bill.

MOTION: Sen. Escamilla moved to replace 1st Substitute H.B. 60 with 2nd Substitute H.B. 60. The motion passed with a vote of 3 - 0 - 3.

Yeas - 3

Sen. L. Escamilla
Sen. M. Kennedy
Sen. T. Weiler

Nays - 0

Absent - 3

Sen. K. Cullimore
Sen. J. Stevenson
Sen. D. Thatcher

MOTION: Sen. Escamilla moved to pass 2nd Substitute H.B. 60 out favorably. The motion passed with a vote of 3 - 0 - 3.

Yeas - 3

Sen. L. Escamilla
Sen. M. Kennedy
Sen. T. Weiler

Nays - 0

Absent - 3

Sen. K. Cullimore
Sen. J. Stevenson
Sen. D. Thatcher

2. 1st Sub. H.B. 304 Juvenile Justice Revisions (Lisonbee, K.)

Rep. Lisonbee presented the bill.

Mike Schoenfeld, Director, Salt Lake Area Gang Project, spoke in favor of the bill.

Daniel Strong, Director, Sentencing Commission, spoke in favor of the bill.

Jenna Nelson, Clearfied City Youth Commission Advisor, spoke in favor of the bill.

Cole Benson, citizen, spoke in opposition to the bill.

Martin Munoz, Kids Count Director, Voices for Utah Children, spoke in opposition to the bill.

MOTION: Sen. Escamilla moved to hold 1st Substitute H.B. 304.

Sen. Escamilla withdrew her motion.

MOTION: Acting Chair Kennedy moved to pass 1st Substitute H.B. 304 out favorably.

Sen. Escamilla assumed the chair.

SUBSTITUTE MOTION: Sen. Thatcher moved to hold 1st Substitute H.B. 304. The substitute motion passed with a vote of 3 - 0 - 3.

Yeas - 3

Sen. L. Escamilla
Sen. D. Thatcher
Sen. T. Weiler

Nays - 0

Absent - 3

Sen. K. Cullimore
Sen. M. Kennedy
Sen. J. Stevenson

3. 2nd Sub. H.B. 61 School Safety Requirements (*Wilcox, R.*)

Sen. Wilcox presented the bill.

Randy Thomas, Chief, Unified Police Department, spoke in favor of the bill.

Ben Horsley, Chief of Staff, Granite School District, spoke in favor of the bill.

MOTION: Sen. Thatcher moved to replace 2nd Substitute H.B. 61 with 3rd Substitute H.B. 61. The motion passed with a vote of 3 - 0 - 3.

Yeas - 3

Sen. L. Escamilla
Sen. D. Thatcher
Sen. T. Weiler

Nays - 0

Absent - 3

Sen. K. Cullimore
Sen. M. Kennedy
Sen. J. Stevenson

MOTION: Sen. Thatcher moved to amend 3rd Substitute H.B. 61 with Amendment #1. The motion passed with a vote of 3 - 0 - 3.

Amendment 1
3rd Sub. H.B. 0061

1. Page 4, Lines 89 through 92:

89 (a) the House chair of the Law Enforcement and Criminal Justice Interim Committee,

90 who shall serve as chair, and who shall ensure that at least three members of the task force are parents of children in Utah schools;

91 (b) the House chair of the Criminal Code Evaluation Task Force;

92 (c) a member of the Senate, appointed by the president of the Senate;

Yeas - 3
Sen. L. Escamilla
Sen. D. Thatcher
Sen. T. Weiler

Nays - 0

Absent - 3
Sen. K. Cullimore
Sen. M. Kennedy
Sen. J. Stevenson

MOTION: Sen. Thatcher moved to pass 3rd Substitute H.B. 61 out favorably. The motion passed with a vote of 3 - 0 - 3.

Yeas - 3
Sen. L. Escamilla
Sen. D. Thatcher
Sen. T. Weiler

Nays - 0

Absent - 3
Sen. K. Cullimore
Sen. M. Kennedy
Sen. J. Stevenson

4. H.B. 140 Standard Response Protocol to Active Threats in Schools (*Johnson, D.N.*)

Rep. Johnson presented the bill with the assistance of Shauntelle Cota, Coordinator, Safe and Healthy Schools, Utah State Board of Education.

MOTION: Sen. Weiler moved to amend H.B. 140 with Amendment #1. The motion passed with a vote of 3 - 0 - 3.

Amendment 1
H.B. 140

1. Page 1, Lines 17 through 20:
17 emergency response plans, training, and drills; and
18 {→ ~~requires monthly and developmentally appropriate training or drills regarding an~~
19 ~~active threat within the school; and~~}
20 ▶ grants certain rulemaking authority to the state board.

Yeas - 3
Sen. L. Escamilla
Sen. D. Thatcher
Sen. T. Weiler

Nays - 0

Absent - 3
Sen. K. Cullimore
Sen. M. Kennedy
Sen. J. Stevenson

MOTION: Sen. Weiler moved to pass H.B. 140 out favorably. The motion passed with a vote of 3 - 0 - 3.

Yeas - 3
Sen. L. Escamilla
Sen. D. Thatcher
Sen. T. Weiler

Nays - 0

Absent - 3
Sen. K. Cullimore
Sen. M. Kennedy
Sen. J. Stevenson

5. 4th Sub. H.B. 324 Workplace Violence Protective Orders Amendments (*Clancy, T.*)

Rep. Clancy presented the bill.

Karina Barker, The Howell Group, spoke in favor of the bill.

MOTION: Sen. Weiler moved to amend 4th Substitute H.B. 324 with Amendment #1. The motion passed with a vote of 5 - 0 - 1.

Amendment 1
4th Sub. H.B. 324

1. Page 7, Lines 189 through 191:
189 away from the petitioner's workplace.
190 (b) Except as provided in Subsection ~~{(2)(b)}~~ (2)(a), a protective order may not restrict the
191 respondent's communications.

Yeas - 5
Sen. K. Cullimore
Sen. L. Escamilla
Sen. J. Stevenson
Sen. D. Thatcher
Sen. T. Weiler

Nays - 0

Absent - 1
Sen. M. Kennedy

MOTION: Sen. Weiler moved to pass 4th Substitute H.B. 324 out favorably. The motion passed with a vote of 5 - 0 - 1.

Yeas - 5
Sen. K. Cullimore
Sen. L. Escamilla
Sen. J. Stevenson
Sen. D. Thatcher
Sen. T. Weiler

Nays - 0

Absent - 1
Sen. M. Kennedy

6. 1st Sub. H.B. 328 Asbestos Litigation Amendments (*Brammer, B.*)

Rep. Brammer presented the bill.

Mark Behrens, U.S. Chamber Institute for Legal Reform, spoke in favor of the bill.

Rick Nemeroff, Attorney, Nemeroff Law Firm, spoke in favor of the bill.

MOTION: Sen. Weiler moved to pass 1st Substitute H.B. 328 out favorably. The motion passed with a vote of 4 - 0 - 2.

Yeas - 4
Sen. K. Cullimore
Sen. L. Escamilla
Sen. J. Stevenson
Sen. T. Weiler

Nays - 0

Absent - 2
Sen. M. Kennedy
Sen. D. Thatcher

7. S.B. 248 Tobacco Amendments (*Cullimore, K. A.*)

Sen. Cullimore presented the bill.

Walter Plumb, President, Drug Free Utah, spoke in opposition to the bill.

Jordon Mathis, representing local health departments, spoke in opposition to the bill.

Bracken Hudson, Vice President Marketing, Country Fan Fest, spoke in favor of the bill.

Mark Britton, General Counsel, Director of Government Affairs, Utah Medical Association, spoke in opposition to the bill.

Maryanne Matindale, Chief Executive Officer, Utah Academy of Family Physicians, spoke in opposition to the bill.

Noah Miterko, Government Relations Director, American Heart Association, spoke in opposition to the bill.

Nick Torres, Advocacy Director, American Lung Association, spoke in opposition to the bill.

Brook Carlisle, Government Relations Director, American Cancer Society, spoke in opposition to the bill.

Gayle Ruzicka, President, Utah Eagle Forum, spoke in opposition to the bill.

Carrie Butler, Executive Director, Utah Public Health Association, spoke in opposition to the bill.

Mark Triplett, Cigar Association of America, spoke in favor of the bill.

MOTION: Sen. Stevenson moved to hold S.B. 248. The motion passed with a vote of 5 - 0 - 1.

Yeas - 5

Sen. K. Cullimore
Sen. L. Escamilla
Sen. J. Stevenson
Sen. D. Thatcher
Sen. T. Weiler

Nays - 0

Absent - 1

Sen. M. Kennedy

8. H.B. 347 Ballot Drop Box Amendments (*Petersen, M.*)

Rep. Peterson presented the bill.

Sen. Kennedy resumed the chair.

Brian McKenzie, Davis County Clerk, representing county clerks in Utah, spoke in favor of the bill.

Gayle Ruzicka, President, Utah Eagle Forum, spoke in favor of the bill.

Steven Burton, Association of Criminal Defense Lawyers, spoke to the bill.

MOTION: Acting Chair Kennedy moved to pass H.B. 347 out favorably. The motion passed with a vote of 3 - 2 - 1.

Yeas - 3

Sen. K. Cullimore
Sen. M. Kennedy
Sen. T. Weiler

Nays - 2

Sen. L. Escamilla
Sen. D. Thatcher

Absent - 1

Sen. J. Stevenson

9. 2nd Sub. H.B. 374 County Sheriff Amendments (*Teuscher, J.*)

Rep. Teuscher presented the bill.

MOTION: Sen. Thatcher moved to adjourn. The motion passed with a vote of 3 - 2 - 1.

Yeas - 3

Sen. L. Escamilla
Sen. D. Thatcher
Sen. T. Weiler

Nays - 2

Sen. K. Cullimore
Sen. M. Kennedy

Absent - 1

Sen. J. Stevenson

Acting Chair Kennedy adjourned the meeting at 9:56 a.m.

NOTE: 01st Substitute H.B. 0254, 01st Substitute H.B. 0385 were not discussed in the meeting.